



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
ALASKA OPERATIONS OFFICE
222 West 7th Avenue, #19
Anchorage, AK 99513-7588

February 21, 2012

Tim Haugh, Environmental Program Manager
FHWA Alaska Division
P.O. Box 21648
Juneau, Alaska 99802-1648

Re: EPA scoping comments on the Juneau Access Improvements Revised Supplemental EIS, EPA Project # 92-091-FHWA.

Dear Mr. Haugh:

The U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Intent (NOI) to prepare a Revised Supplemental Environmental Impact Statement (SEIS) for Juneau Access Improvements in the Vicinity of the City and Borough of Juneau, Alaska. We are submitting scoping comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, as well as our continuing role as a cooperating agency. Section 309 specifically directs the EPA to review and comment in writing on environmental impacts associated with all major federal actions. Our review authorities under Section 309 are independent of our responsibilities as a Cooperating Agency for this EIS.

As with the previous EISs, our review of the revised SEIS will consider not only the expected environmental impacts of the project, but also the adequacy of the EIS in meeting the public disclosure requirements of NEPA. We have enclosed a copy of *EPA's Section 309 Review: The Clean Air Act and NEPA* which provides further elaboration of our EIS review responsibilities (Enclosure 1).

In addition, we are responding to your January 17, 2012, letter to Matt LaCroix in our Aquatic Resource Unit in which you requested the EPA's continued participation as a cooperating agency on the revised SEIS. In that letter you included a signature page, which is completed and enclosed (Enclosure 2). Please accept this as notice of our intent to continue to serve as a Cooperating Agency under the 1994 Cooperating Agency Agreement signed by both our agencies.

According to the NOI, the purpose of the revised SEIS is to respond to the 2009 U.S. District Court decision that the Final EIS was not valid because it did not consider an alternative that improved service utilizing existing Alaska Marine Highway System assets, a ruling upheld in 2011 by the Ninth Circuit Court of Appeals. The Federal Highways Administration (FHWA) is also proposing to update alternatives by incorporating the most current information and project design.

Based on our recent meeting with you and Reuben Yost of ADOT&PF, our understanding is that the project may be constructed in phases, which will also be evaluated in the SEIS. Because the project and the SEIS are so far developed, and many of the concerns we have identified with past alternatives have been addressed through design changes, we anticipate working cooperatively with the FHWA to identify

further ways to avoid and minimize project impacts, as well as to disclose current, accurate costs associated with each alternative. We also anticipate the revised SEIS will evaluate reasonable and practicable alternatives for a temporary ferry terminal in the vicinity of Berners Bay.

Finally, we expect that the revised Draft SEIS will incorporate, to the extent possible, a draft 404(b)(1) analysis or practicability analysis for any project component under all action alternatives that may require an Army Corps of Engineers permit, or permit modification, under Section 404 of the Clean Water Act (CWA). We also look forward to actively engaging in any discussions regarding mitigation as required by NEPA and Section 404.

At this time, the EPA does not anticipate any formal action in association with this project. We do expect, however, to review and provide input to the Army Corps of Engineers on the 404 Public Notice. We also continue to provide oversight of the State of Alaska's implementation of the National Pollution Discharge Elimination System (NPDES) under Section 402 of the CWA, which includes the discharge of stormwater.

Thank you for the opportunity to provide comments on the NOI. Please feel free to contact me at (907) 271-6324 or curtis.jennifer@epa.gov if you have questions or would like additional information regarding these comments. I will be your primary NEPA contact for the EPA; Matt LaCroix will be your primary contact for 404-related concerns.

Sincerely,

/s/

Jennifer J. Curtis, NEPA Reviewer
NEPA Review Unit

Cc: Reuben Yost, Project Manager, ADOT&PF

Enclosures

ENCLOSURE 1

ENCLOSURE 2